

FINAL STATEMENT OF REASONS

The Public Employment Relations Board (PERB or Board) did not rely on any material that was not available for public review prior to close of the public comment period. Additionally, no modification has been made to the text of the proposed regulations originally noticed to the public.

No oral comments were received in response to the Notice of Proposed Rulemaking during the Public Hearing held on December 13, 2012.

One written comment was received in response to the Notice of Proposed Rulemaking.

SUMMARY AND RESPONSE TO WRITTEN COMMENT RECEIVED

COMMENT NO. 1: Timothy G. Yeung, Attorney, Renne Sloan Holtzman Sakai, LLP provided written comment to the Board. Mr. Yeung stated that he fully supported the proposed regulatory change whereby the Board would have the option to designate decisions issued based on appeals filed pursuant to PERB Regulation 32635 as precedential. However, Mr. Yeung urged the Board to go further and make the designation of any Board decision or order as precedential optional.

Response: This is a general comment in support of PERB's currently proposed regulation language and a request to expand the Board's discretion to designate decisions as precedential. However, the intent of the proposed regulation package is to make incremental changes rather than paradigm shifts in the PERB regulations. Notwithstanding Mr. Yeung's comment, the Board approved the regulations as proposed. In consideration of his comments, however, as well as those received and heard earlier during the rulemaking process, the Board commented on the need to continue to discuss and explore possible further changes in the area of precedential decisions.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, PERB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

These regulations and changes will improve the public sector labor environment and the collective bargaining process by clarifying PERB procedures, making the Board's processes more transparent and accessible, and updating regulations consistent with current law.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: Final determination of the agency is that the proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq: Final determination of the agency is that the proposed action would not impose any new costs, and therefore requires no reimbursement.

Other non-discretionary cost or savings imposed upon local agencies: None

Costs or savings to state agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private persons or businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: Final determination of the agency is that the proposed action will have no impact.

Significant effect on housing costs: The agency's final determination is that there is no effect on housing costs.

The proposed regulations will not affect small business because they only affect public employers and public employees.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

During the workshop process, several comments suggested revisions or requested clarification of issues that were not addressed in this rulemaking package. As previously stated, this package was intended to make incremental changes rather than paradigm shifts in PERB's regulations. Therefore, the Board will continue to discuss and explore possible further regulation changes.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

PERB has not identified any alternatives that would lessen any adverse impact on small business and has not identified any adverse impacts on small businesses as a result of these proposed regulations.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS RELIED UPON, ECONOMIC IMPACT ASSESSMENT

PERB did not rely upon any technical, theoretical, or empirical studies, report or documents in proposing the adoption of these regulations. The adoption of the proposed amendments and sections will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The adoption of the proposed amendment will benefit public employers, employees, employees' representatives and the community at-large by further facilitating the resolution of public sector labor disputes by clarifying PERB procedures, making the Board's processes more transparent and accessible, and eliminating redundant procedures. In so doing, California residents' welfare will receive the benefit of stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that these employers and employees provide to California communities.

MANDATED USE OF SPECIFIC TECHNOLOGIES OR EQUIPMENT

PERB's proposed regulations do not mandate the use of any specific technologies or equipment.